

**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW
ETHICS ADJUDICATORY BOARD**

BOARD OF ETHICS

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* **DOCKET NO. 2020-0102-ETHICS-B**

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IN THE MATTER OF

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TANISHA BELLARD WILTZ

* **AGENCY TRACKING NO. 5120-002**

DECISION AND ORDER

Tanisha Bellard Wiltz knowingly failed to file three campaign finance disclosure reports as required by law. The Board of Ethics, acting in its capacity as the Supervisory Committee on Campaign Finance Disclosure, may impose upon Tanisha Bellard Wiltz additional civil penalties as allowed by La. R.S. 18:1505.4(A)(4)(a) and (b).

APPEARANCES

A hearing was conducted August 21, 2020, in Baton Rouge, Louisiana, before Panel B of the Ethics Adjudicatory Board (EAB). Charles Reeves appeared as counsel on behalf of the Board of Ethics. Although duly noticed, Tanisha Bellard Wiltz did not appear for the hearing.¹

STATEMENT OF THE CASE

The Board of Ethics (BOE) requested that the EAB conduct an adjudicatory hearing to determine whether, pursuant to La. R.S. 18:1505.4(A)(4)(a), Tanisha Bellard Wiltz's (Respondent) 30-P and 10-P campaign finance disclosure reports for the October 12, 2019, primary election for Parish President in St. Landry Parish, were filed more than six days late. The BOE also requested that the EAB conduct an adjudicatory hearing to determine whether, pursuant to La. R.S.

¹ See BOE Exhibit 10.

18:1505.4(A)(4)(b), Tanisha Bellard Wiltz's (Respondent) 10-G campaign finance disclosure report for the November 6, 2019, general election for Parish President in St. Landry Parish, was filed more than eleven days late.

At the hearing, BOE offered its exhibits, numbered BOE-1 through BOE-16, that were admitted into evidence. BOE requested the EAB make a determination on whether Respondent filed her 30-P and 10-P campaign finance disclosure reports more than six days late, and whether Respondent filed her 10-G campaign finance disclosure report more than eleven days late, which would subject her to additional late penalties under La. R.S. 18:1505.4(A)(4). The record was closed and the matter was submitted for decision.

This adjudication is conducted in accordance with the Campaign Finance Disclosure Act (CFDA), La. R.S. 18:1481, *et seq.*, the Code of Governmental Ethics, La. R.S. 42:1101, *et seq.*, and the Administrative Procedure Act, La. R.S. 49:950, *et seq.*

FINDINGS OF FACT

Respondent was an unsuccessful district-level candidate for the office of Parish President for St. Landry Parish, in elections held October 12, 2019, and November 16, 2019. Respondent was defeated in the primary election.² A runoff of the top two candidates was held in the general election on November 16, 2019.³ Respondent was required to file a campaign finance disclosure report thirty days prior to the primary election (also known as a 30-P) on September 12, 2019.⁴ Respondent was required to file a campaign finance disclosure report ten days prior to the primary election (also known as a 10-P) on October 2, 2019,⁵ and a campaign finance disclosure report ten

² BOE-2.

³ BOE-3.

⁴ La. R.S. 18:1495.4(B)(3).

⁵ La. R.S. 18:1495.4(B)(4).

days prior to the general election (also known as the 10-G) on November 6, 2019.⁶

The BOE is the Supervisory Committee under the CFDA.⁷ Upon qualifying for the election, the BOE provided Respondent with a Schedule of Reporting and Filing Dates for Candidates.⁸ The Schedule informed Respondent that the 30-P report was due September 12, 2019; the 10-P report was due October 2, 2019; and the 10-G report was due November 6, 2019.⁹

Respondent did not file the required 30-P report by the due date, September 12, 2019. The BOE issued a Late Fee Assessment Order and assessed a fine of \$2,000.00 for this violation.¹⁰ Respondent was notified in the letter accompanying that order that she could be subject to an additional assessment of \$10,000.00 pursuant to La. R.S. 18:1505.4(A)(4) if she failed to file the report. The 30-P report had not been filed as of April 30, 2020.¹¹

Respondent did not file the required 10-P report by the due date, October 2, 2019. The BOE issued a Late Fee Assessment Order and assessed a fine of \$2,000.00 for this violation.¹² Respondent was notified in the letter accompanying that order that she could be subject to an additional assessment of \$10,000.00 pursuant to La. R.S. 18:1505.4(A)(4) if she failed to file the report. The 10-P report had not been filed as of April 30, 2020.¹³

Respondent was required to file a campaign finance disclosure report ten days prior to the general election (also known as a 10-G), on November 6, 2019, in connection with the election.

Respondent did not file the required 10-G report by the due date, November 6, 2019. The BOE issued a Late Fee Assessment Order and assessed a fine of \$2,000.00 for this violation.¹⁴

⁶ La. R.S. 18:1495.4(B)(5).

⁷ La. R.S. 18:1483(19).

⁸ See BOE-1.

⁹ *Id.*

¹⁰ BOE-13.

¹¹ BOE-7.

¹² BOE-5.

¹³ BOE-7.

¹⁴ BOE-6.

Respondent was notified in the letter accompanying that order that she could be subject to an additional assessment of \$10,000.00 pursuant to La. R.S. 18:1505.4(A)(4) if she failed to file the report. The 10-G report had not been filed as of April 30, 2020.¹⁵

Respondent failed to appear for the hearing or respond to the late fee assessments, despite notice of the hearing and notice of the late fee assessment orders being sent to her last known address.¹⁶

CONCLUSIONS OF LAW

La. R.S. 18:1505.4(A)(4)(a) and (b) provide that if, after conducting an adjudicatory hearing, the EAB determines that a candidate knowingly failed to file the required campaign finance disclosure report, or filed it more than six days [La. R.S. 18:1505.4(A)(4)(a)] or eleven days [La. R.S. 18:1505.4(A)(4)(b)] late, then the BOE, functioning as the Supervisory Committee, may impose upon the candidate additional civil penalties.

The BOE proved Respondent failed to timely file three campaign finance disclosure reports. Every candidate for district office (or her campaign treasurer) is required to file reports of contributions and expenditures on specific days before and after an election.¹⁷ Any candidate for district office, who knowingly fails to timely file a required report may be assessed a civil penalty in the amount of \$60 per day, not to exceed \$2,000.¹⁸ The BOE assessed the maximum amount of \$2,000.00, as the required reports were not filed by day 34 of the reports being late.¹⁹ “Knowingly and willfully,” means conduct which could have been avoided through the exercise of due diligence.²⁰ The BOE assessed late filing fees against Respondent in accordance with La.

¹⁵ BOE-7.

¹⁶ BOE-10; BOE-11; BOE-12; BOE-14.

¹⁷ La. R.S. 18:1495.4.

¹⁸ La. R.S. 18:1505.4(A)(2)(a)(ii).

¹⁹ \$60.00 multiplied by 34 days equals \$2,040.00, exceeding the statutory maximum in La. R.S. 18:1505.4(A)(2)(a)(ii).

²⁰ La. R.S. 18:1505.5.

R.S. 42:1157 and La. R.S. 18:1505.4 in the amount of \$2,000.00 for each of the three unfiled reports. These amounts and orders of assessment have not been appealed by Respondent, under La. R.S. 18:1511.4.1(C)(1) and (2). These amounts are therefore final under La. R.S. 18:1511.4.1(C)(1) and not before the EAB for consideration.²¹

By knowingly failing to file the required reports, Respondent violated the CFDA, and may be assessed a civil penalty up to \$10,000.00 by the BOE for each report.²²

Respondent failed to file her 30-P finance disclosure report by September 12, 2019; she failed to file her 10-P campaign finance disclosure report by October 2, 2019; and she failed to file her 10-G campaign finance disclosure report by November 6, 2019. As of April 30, 2020, she had not filed any of the three reports. She is more than six days late in filing her 30-P and 10-P campaign finance disclosure reports. She is more than eleven days late in filing her 10-G campaign finance disclosure report. The BOE proved Respondent, a candidate for district office, had failed to file a 30-P and a 10-P report more than six days after the reports' due date. The BOE proved Respondent, a candidate for district office, had failed to file a 10-G report more than eleven days after the report's due date. The BOE, in its capacity as the Supervisory Committee for Campaign Finance Disclosure, is authorized to impose additional late fee penalties under authority of La. R.S. 18:1505.4(A)(4)(a) and (b), not to exceed ten thousand dollars (\$10,000.00) for each of the three late reports.

²¹ See La. R.S. 42:1153, which exempts the EAB from imposing penalties for violations of the CFDA.

²² La. R.S. 18:1505.4(A)(4).

ORDER

IT IS ORDERED that Tanisha Bellard Wiltz's 2019 30-P campaign finance disclosure report is more than six days late, and the Board of Ethics may impose upon Tanisha Bellard Wiltz additional civil penalties as allowed by La. R.S. 18:1505.4(A)(4)(a).

IT IS ORDERED that Tanisha Bellard Wiltz's 2019 10-P campaign finance disclosure report is more than six days late, and the Board of Ethics may impose upon Tanisha Bellard Wiltz additional civil penalties as allowed by La. R.S. 18:1505.4(A)(4)(a).

IT IS ORDERED that Tanisha Bellard Wiltz's 2019 10-G campaign finance disclosure report is more than eleven days late, and the Board of Ethics may impose upon Tanisha Bellard Wiltz additional civil penalties as allowed by La. R.S. 18:1505.4(A)(4)(b).

Rendered and signed September 24, 2020, Baton Rouge, Louisiana.



William. H. Cooper III
Presiding Administrative Law Judge



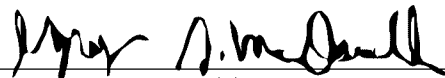
Anthony Russo
Administrative Law Judge

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Friday, September 25, 2020, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court

Division of Administrative Law



Gregory McDonald
Administrative Law Judge

REVIEW RIGHTS

This decision exhausts your administrative remedies. If you are dissatisfied with this ruling, you may have the right to seek a rehearing or reconsideration of this decision or order,

subject to the grounds for and time limitations provided in Louisiana Revised Statute 49:959 and Louisiana Code of Civil Procedure article 5059. To determine your review rights, you should act promptly and seek legal advice.

To request a rehearing or reconsideration, please send it to one of the addresses indicated below:

EMAIL documents to:
EABprocessing@adminlaw.state.la.us

FAX documents to:
EAB Section Deputy Clerk
(225) 219-9820

MAIL documents to:
DAL – EAB Section
ATTN: EAB Section Deputy Clerk
P. O. Box 44033
Baton Rouge, LA 70804-4033

If you do not request a rehearing of your decision or your rehearing request is denied, you have the right to seek judicial review in accordance with La. R.S. 49:964, La. R.S. 42:1142(A)(1), and La. C.C.P. art 5059. To determine your review rights, you should act promptly and seek legal advice.